

Official Form 417A (12/23)

[Caption as in Form 416A, 416B, or 416D, as appropriate]

**NOTICE OF APPEAL AND STATEMENT OF ELECTION**

FILED  
U.S. BANKRUPTCY COURT  
2024 SEP 13 A 10:58  
S.D.O.F. N.Y.

**Part 1: Identify the appellant(s)**

1. Name(s) of appellant(s): Rahul Manchanda Case 23-22095, Adversary Proceeding 23-07008
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

☐ Plaintiff☒ Defendant☐ Other (describe) \_\_\_\_\_

For appeals in a bankruptcy case and not in an adversary proceeding.

☐ Debtor☐ Creditor☐ Trustee☐ Other (describe) \_\_\_\_\_**Part 2: Identify the subject of this appeal**

1. Describe the judgment—or the appealable order or decree—from which the appeal is taken:  
Lifting of automatic stay, denial of contempt motion against Dakota Ramseur, ignoring my new Answer to Complaint by Senderoff mandated by Judge Sean Lane with my new Counterclaims for abuse of process, prosecution, impleader of the lawyers who handled my lower court state case as responsible for any "default judgment"
2. State the date on which the judgment—or the appealable order or decree—was entered:  
09/12/2024

**Part 3: Identify the other parties to the appeal**

List the names of all parties to the judgment—or the appealable order or decree—from which the appeal is taken and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: Douglas Senderoff Attorney: David Lin/Lewis & Lin LLC  
77 Sands Street, 6th Floor  
Brooklyn, NY 11201  
(718) 243-9323
2. Party: Dakota Ramseur Attorney: AAG Leo Gagione  
28 Liberty Street, 17th Floor  
New York, NY 10005  
(212) 416-8592

**Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)**

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

☐ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

**Part 5: Sign below**



Date: 09/13/2024

Signature of attorney for appellant(s) (or appellant(s) if not represented by an attorney)

Name, address, and telephone number of attorney (or appellant(s) if not represented by an attorney):

Rahul Manchanda, Esq.

270 Victory Boulevard

New Rochelle, NY 10804

(646) 645-0993/(212) 968-8600

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

[Note to inmate filers: If you are an inmate filer in an institution and you seek the timing benefit of Fed. R. Bankr. P. 8002(c)(1), complete Director's Form 4170 (Declaration of Inmate Filing) and file that declaration along with the Notice of Appeal.]

**CERTIFICATE OF SERVICE**

On September 13, 2024, I, Rahul Manchanda, served Debtor Defendant Notice of Appeal and Statement of Election to the Bankruptcy Appellate Court for case no 23-22095 Adversary Proceeding No 23-07008 and any attached pages to Douglas Senderoff's Opposing Counsel David Lin of Lewis & Lin LLC, located at 77 Sands Street, 6<sup>th</sup> Floor, Brooklyn, NY 11201 and Dakota Ramseur's Opposing Counsel Assistant Attorney General Leo Gagon, located at 28 Liberty Street, 17<sup>th</sup> Floor, New York NY 10005 via Electronic and/or U.S. Mail.



---

By: Rahul Manchanda, Esq.  
Manchanda Law Office And Associates PLLC  
270 Victory Boulevard  
New Rochelle, New York 10804  
Tel: (212) 968-8600  
Fax: (212) 968-8601

From: Department of Justice no-reply@usdoj.gov  
Subject: Form submission from: How to File a Complaint with the Office of  
Professional Responsibility  
Date: Sep 11, 2024 at 6:31:02 PM  
To: rdm@manchanda-law.com

---

Submitted on: Wednesday, September 11, 2024 - 6:31PM EDT Submitted to:  
Anonymous Submitted values are:

Name of person seeking OPR's action (Complainant)\*: Mr.

First: Rahul

Middle: Dev

Last: Manchanda

Suffix (if applicable): Esq

Complainant Type: Private Attorney

Inmate/Detainee Number:

Other:

Company/Organization: Manchanda Law Office & Associates PLLC

Complainant mailing address: 125 Park Avenue, 25th Floor

City: New York

State: New York

Zip: 10017

Complainant email address: rdm@manchanda-law.com

Complainant phone number: 2129688600

Complainant fax number: 2129688601

-----

\*If you are filing this complaint as a legal or other representative of the Complainant,  
please provide the following information:\*

Name and title of the filer:

First:

Middle:

Last:

Suffix (if applicable):

Your preferred mailing address:

City:

State:



Zip:

Your email address:

-----

**\*Information about the DOJ Attorney or DOJ Law Enforcement Official You Are Complaining About (Subject)\***

Name of the person(s) you are complaining about (Subject): Ms.

First: Liza

Middle: Ebanks

Last: Holley

Suffix (if applicable):

Subject's Job Title: DOJ Employee (non-attorney)

Other:

Company/Organization: SDNY White Plains NY

Location of Subject's Office: 300 Quarropas Street, White Plains NY 10601

-----

Does your complaint involve more than one person? Yes (If yes, please provide the following information of the additional subject.)

Name of the person(s) of the second subject:

First: Sean

Middle:

Last: Lane

Suffix (if applicable): Esq

Second Subject's Job Title: DOJ Employee (non-attorney)

Other:

Location of second subject's office: 300 Quarropas Street, White Plains NY 10601

-----

**\*Information about your complaint\***

What are the actions, events, or allegations that you are reporting to OPR? (e.g., attorney misconduct, Whistleblower retaliation, Giglio/Brady violation, etc.): Judicial Proceedings

When did the incident occur?: 2024-09-11

\*Please provide a brief description summarizing the:

- \* reason(s) for your complaint including the details, actions, events, or allegations,

- \* case names,

- \* potential witnesses and their involvement,

- \* where the incident occurred,

- \* how the incident occurred, and

- \* any corrective actions already taken

- \* For \*Whistleblower complaints only\* – describe the personnel action(s) that occurred or failed to occur because of a protected disclosure: (an appointment, a promotion, an action under 5 U.S.C. Chapter 75 or other disciplinary or corrective action; a detail, transfer, or reassignment; a reinstatement; a restoration; a reemployment; a decision about pay, benefits or awards, concerning education or training if the education or training may reasonably be expected to lead to an appointment, promotion, performance evaluation or other action described in 5 U.S.C. § 2302 (a)(2); a performance evaluation under 5 U.S.C. Chapter 43; a decision to order psychiatric testing or examination; or any other significant change in duties, responsibilities, or working conditions.)

Please provide a brief summary of the complaint:

Hello:

Please see the below corrupt "order" from SDNY White Plains NY Bankruptcy Judge Sean Lane where he threatens, insults, sabotages, unconstitutionally interferes with, and unlawfully usurps my defenses, motions, pleadings and letters in response to getting gang attacked by numerous adversarial parties/individuals at the

same time.

This type of gaslighting, projection, and reverse targeting of the victim defending himself against "vexatious" litigation by others (who are not chastised by him) is typical of this abusive communist tyrant.

Please investigate, and advise.

Thanks,  
RDM

Certification and Signature (Enter your initials here to certify and sign this form.):  
RDM

**Subject:** Form submission from: How to File a Complaint with the Office of Professional Responsibility  
**From:** Department of Justice <no-reply@usdoj.gov>  
**Date:** 9/12/2024, 11:12 AM  
**To:** rdm@manchanda-law.com

Submitted on: Thursday, September 12, 2024 - 11:12AM EDT Submitted to: Anonymous Submitted values are:

Name of person seeking OPR's action (Complainant)\*: Mr.

First: Rahul

Middle: Dev

Last: Manchanda

Suffix (if applicable): Esq

Complainant Type: Private Attorney

Inmate/Detainee Number:

Other:

Company/Organization:

Complainant mailing address: 270 Victory Boulevard

City: New Rochelle

State: New York

Zip: 10601

Complainant email address: [rdm@manchanda-law.com](mailto:rdm@manchanda-law.com)

Complainant phone number: 6466450993

Complainant fax number: 2129688601

-----  
**\*If you are filing this complaint as a legal or other representative of the Complainant, please provide the following information:\***

Name and title of the filer:

First:

Middle:

Last:

Suffix (if applicable):

Your preferred mailing address:

City:

State:

Zip:

Your email address:

-----  
**\*Information about the DOJ Attorney or DOJ Law Enforcement Official You Are Complaining About (Subject)\***

Name of the person(s) you are complaining about (Subject): Ms.

First: Linda

**Middle:**

**Last:** Rifkin

**Suffix (if applicable):**

**Subject's Job Title:** United States Trustee

**Other:**

**Company/Organization:** SDNY Bankruptcy Trustee

**Location of Subject's Office:** 1 Bowling Green, New York NY 10004

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**Does your complaint involve more than one person? Yes (If yes, please provide the following information of the additional subject.)**

**Name of the person(s) of the second subject:**

**First:** Marianne

**Middle:**

**Last:** O'Toole

**Suffix (if applicable):**

**Second Subject's Job Title:** United States Trustee

**Other:**

**Location of second subject's office:** 2 Depot Plaza, Suite 2E, Bedford Hills NY 10507

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**\*Information about your complaint\***

**What are the actions, events, or allegations that you are reporting to OPR? (e.g., attorney misconduct, Whistleblower retaliation, Giglio/Brady violation, etc.):** Judicial Proceedings

**When did the incident occur?:** 2024-09-12

**\*Please provide a brief description summarizing the:**

**\* reason(s) for your complaint including the details, actions, events, or allegations,**

**\* case names,**

**\* potential witnesses and their involvement,**

**\* where the incident occurred,**

**\* how the incident occurred, and**

**\* any corrective actions already taken**

**\* For \*Whistleblower complaints only\* – describe the personnel action(s) that occurred or failed to occur because of a protected disclosure: (an appointment, a promotion, an action under 5 U.S.C. Chapter 75 or other disciplinary or corrective action; a detail, transfer, or reassignment; a reinstatement; a restoration; a reemployment; a decision about pay, benefits or awards, concerning education or training if the education or training may reasonably be expected to lead to an appointment, promotion, performance evaluation or other action described in 5 U.S.C. § 2302 (a)(2); a performance evaluation under 5 U.S.C. Chapter 43; a decision to order psychiatric testing or examination; or any other significant change in duties, responsibilities, or working conditions.)**

Please provide a brief summary of the complaint:

Maybe you can ask the assigned chapter 7 bankruptcy trustees (Linda Rifkin, Greg Zipes, William Harrison, Marianne O'Toole, Salvatore Lamonica) and bankruptcy court Judge Sean Lane what to do since it seems that they just wants to legally and equitably hurt me for "vexatious litigation," issuing orders threatening, mocking, humiliating, intimidating, and insulting me, even though this guy Kevis Nixon (and tons of others) keeps violating the automatic bankruptcy stay in cases 23-22095 and 23-11805 while the bankruptcy court keeps protecting him (and them). Meanwhile the trustees just sit and do nothing after I notify them, while I keep getting default judgment after default judgment. Honestly, I have no idea WHAT to do anymore.

Certification and Signature (Enter your initials here to certify and sign this form.): RDM

From: Manchanda Law Office PLLC info@manchanda-law.com  
Subject: Re: Debtor Letter In Support of Motion For Contempt Against U.S.  
Court of Appeals for the Second Circuit Judges Alison Nathan, Richard  
Lohier, And Joseph Bianco FILED  
Date: Sep 11, 2024 at 4:22:22 AM  
To: rdm@manchanda-law.com, Liza Ebanks-Holley  
Liza\_Ebanks@nysb.uscourts.gov  
Cc: Kristofcak, Alexander (USANYS) Alexander.Kristofcak@usdoj.gov,  
Torrance, Benjamin (USANYS) Benjamin.Torrance@usdoj.gov, Gitlin,  
Adam (USANYS) Adam.Gitlin@usdoj.gov, inshapov@law.nyc.gov,  
Lawrence III, David David.LawrenceIII@ag.ny.gov,  
civilcases@ca2.uscourts.gov, newcases@ca2.uscourts.gov,  
prosecases@ca2.uscourts.gov, efilerhelpdesk@ca2.uscourts.gov,  
cit\_mgmt@ca2.uscourts.gov, Law Office Manager Sylwia Manchanda  
sylwia.manchanda@manchanda-law.com, Billing billing@manchanda-  
law.com, Administrative Office Of Judicial Integrity  
AO\_OJI@ao.uscourts.gov, Administration Oversight Of The US Courts  
Judicial Oversight JCD\_PetitionforReview@ao.uscourts.gov,  
Administrative Office Of The US Courts  
AdminOversight@ao.uscourts.gov, Criminal.Division@usdoj.gov, FBI IC  
ny1@ic.fbi.gov, newyork@fbi.gov  
Bcc: Manchanda Law Office PLLC info@manchanda-law.com

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SDNY Bankruptcy Law Clerk Liza Ebanks Holley:

Please advise as to the ZOOM conference link for our upcoming next hearing of tomorrow September 12, 2024 at 2:30 PM, and also if you are eventually going to allow the numerous countless letters, pleadings, and motions that I have hand delivered to the court clerk and got stamped with date and time received, plus duly served to opposing counsel, but still have not been uploaded to ECF for weeks/months as they are being "held up by Judge Sean Lane's chambers for redaction/correction" according to White Plains NY SDNY Bankruptcy ECF Law Clerks Anna and Ray.

Thanks,

Kind regards,

--

Rahul D. Manchanda, Esq.

Manchanda Law Office & Associates PLLC

125 Park Avenue, 25th Floor

New York, NY 10017

Tel: (212) 968-8600

Mob: (646) 645-0993

Fax: (212) 968-8601

Toll Free 24 Hour Hotline: (855) 207-7660

e-mail: [rdm@manchanda-law.com](mailto:rdm@manchanda-law.com)

web: <https://manchanda-law.com/attorney-profiles/>

Ranked amongst Top Immigration Attorneys in the United States by Newsweek Magazine in 2012 and Top Attorneys Nationwide in 2013.

Martindale Hubbell Client Champion 2017 Silver Award Winner, 2020 Gold Award Winner, 2020 Platinum Award Winner.



Better Business Bureau Accredited Business A+ Rating.

Association of American Trial Lawyers Top 100 In New York State.

Best Family Lawyers and Best Immigration Lawyers in New York City in 2022 as published on Expertise.com

U.S. News and World Report Listed Lawyer.

Licensed New York State Real Estate Broker.

CLIENT TESTIMONIALS: <https://manchanda-law.com/testimonials/>

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problems with this transmission, or you have received it in error, please immediately notify us by telephone and return the original transmission to us at the above address via the U.S. Postal Service. Attention: All foreign nationals (permanent residents and children included) are required to report any change in address within ten (10) days to the USCIS using Form AR-11. Foreign nationals must report address changes to the USCIS by completing this form and sending it to the USCIS. The form can be obtained from the USCIS website at: <https://www.uscis.gov/ar-11>. Please also notify our office of your new address.

Make An Online Legal Fee Payment via [https://pay.paysley.com/pos\\_link/deFpBu7Sv5oqk1gZhB9cQi59Yj](https://pay.paysley.com/pos_link/deFpBu7Sv5oqk1gZhB9cQi59Yj), wire transfer, check, cash, ApplePay (6466450993)

On Sep 10, 2024, at 4:29 PM, Rahul Manchanda, Esq. <[rdm@manchanda-law.com](mailto:rdm@manchanda-law.com)> wrote:

AUSAs Benjamin Torrance, Alex Kristofcak, Adam Gitlin:

Please see the attached Debtor Letter In Support of Motion For Contempt Against U.S. Court of Appeals for the Second Circuit Judges Alison Nathan, Richard Lohier, And Joseph Bianco FILED

Thanks,

cc: U.S. Court of Appeals 2nd Circuit *Pro Se* Law Clerk for case index nos 24-392 and 24-395

Thanks,

Kind regards,

--

Rahul D. Manchanda, Esq.

Manchanda Law Office & Associates PLLC  
125 Park Avenue, 25th Floor

New York, NY 10017

Tel: (212) 968-8600

Mob: (646) 645-0993

Fax: (212) 968-8601

Toll Free 24 Hour Hotline: (855) 207-7660

e-mail: [rdm@manchanda-law.com](mailto:rdm@manchanda-law.com)

web: <https://manchanda-law.com/attorney-profiles/>

Ranked amongst Top Immigration Attorneys in the United States by Newsweek Magazine in 2012 and Top Attorneys Nationwide in 2013.

Martindale Hubbell Client Champion 2017 Silver Award Winner, 2020 Gold Award Winner, 2020 Platinum Award Winner.

Better Business Bureau Accredited Business A+ Rating.

Association of American Trial Lawyers Top 100 In New York State.

Best Family Lawyers and Best Immigration Lawyers in New York City in 2022 as published on [Expertise.com](https://www.expertise.com)

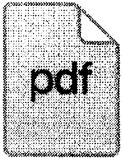
U.S. News and World Report Listed Lawyer.

Licensed New York State Real Estate Broker.

CLIENT TESTIMONIALS: <https://manchanda-law.com/testimonials/>

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Make An Online Legal Fee Payment via [https://pay.paysley.com/pos\\_link/deFpBu7Sv5ogk1gZhB9cOi59Yj](https://pay.paysley.com/pos_link/deFpBu7Sv5ogk1gZhB9cOi59Yj), wire transfer, check, cash, ApplePay ([6466450993](https://pay.paysley.com/pos_link/deFpBu7Sv5ogk1gZhB9cOi59Yj))



**Debtor Letter In Support of  
Motion For Contempt**

1.3 MB





August 29, 2024

FILED  
U.S. BANKRUPTCY COURT  
2024 AUG 29 P 12:42  
S.D. OF N.Y.

**VIA HAND DELIVERY**

Judge Sean Lane  
Southern District of New York - Bankruptcy Court  
300 Quarropas Street  
White Plains, New York 10601

**RE: Case Index No 23-22095 Adv. Proc. No. 23-7008**  
**Debtor Reply Letter to David Lin's "Motion to Renew"**

Dear Hon Judge Lane:

(1) At the outset Debtor advises this court that opposing counsel David Lin did not either U.S. mail (or e-mail) his nonsensical "motion to renew" dated August 15, 2024, and so Debtor had to find this online ECF by accident - if he truly had faith in his pleadings, he would actually serve them.

(2) First, there is no right to "renew a motion," second, already NYS Supreme Court Appellate Division 1<sup>st</sup> Dept Judge Rosalyn Richter in cases 1336.2021 and 2023-05258 after a full trial, pleadings, exhibits, litigation, and countless hearings ruled that there was no evidence that Debtor made any defamatory postings online about Douglas Senderoff or anyone else that they allege.

(3) If anything, the evidence indicates David Lin and his client Douglas Senderoff's bad faith by continuing to spend money tormenting Debtor with zero evidence in obvious abuse of process and malicious prosecution, aided and abetted by unscrupulous judges and law clerks since 2018 in at least 5 courts, federal, state and local.

(4) Opposing Counsel David Lin and his client gaslight Debtor and this Court projecting their "bad faith" by continuing to hound/torment/bankrupt/harass Debtor since October 2018 with zero evidence of their claims, now proven by a NYS Appellate Division 1st Dept Court in 2 separate index numbers.



(5) David Lin makes numerous false statements and allegations in his paperwork.

(6) None of these statements are true and therefore Attorney David Lin is now put on Notice that Debtor intends to seek Rule 11 Sanctions unless he withdraws or corrects his falsities.

(7) There is no "bad faith" in this bankruptcy, just a simple case of Debtor's debts far exceeding any and all assets (close to zero, a few leases/and a mortgage, but no real assets).

(8) Aggressive defense litigation is not "bad faith," especially when confronted by countless multiple aggressors using deceit, lies, underhanded tactics, corruption, false statements, abuse of process, malicious prosecution, and zero evidence to target and harass Debtor with no results since October 2018, thus directly contributing to/causing Debtor's bankruptcy in the first place.

(9) Judge Dakota Ramseur also ruled that there was no proof of defamation, David Lin and Senderoff's original allegation, but rested her decision a purported "default," but this was both cured by this bankruptcy court demanding Lin and Senderoff to submit a fresh new amended complaint, and Debtor responding with a fresh new Answer and Counterclaims, not to mention that with the decision, Debtor has impleaded his former of counsel, employees, retained attorneys for their role (if any) in case of default (if any).

(10) As was stated above, the only "bad faith" since October 2018 was opposing counsel David Lin and his client Douglas Senderoff who sued, extorted, and blackmailed Debtor for "defamation" with absolutely zero proof or evidence.

Respectfully submitted,



---

Rahul D. Manchanda, Esq.  
270 Victory Boulevard  
New Rochelle, NY 10804

To: David Lin of Lewis & Lin LLC of 77 SANDS STREET, 6TH FLOOR,  
BROOKLYN, NY 11201 LLP via ECF, Electronic, and U.S. Mail





September 6, 2024

**VIA HAND DELIVERY**

Judge Sean Lane  
Southern District of New York - Bankruptcy Court  
300 Quarropas Street  
White Plains, New York 10601

FILED  
U.S. BANKRUPTCY COURT  
2024 SEP -6 P 1:48  
S.D. OF N.Y.

**RE: Case Index No 23-22095, Debtor Reply Letter to Judge Dakota Ramseur  
Opposition to Contempt**

Dear Hon Judge Lane:

(1) Debtor does have "standing" when the duly notified chapter 7 trustee is either non-responsive or not effective in preventing default judgments and liens against Debtor and his family's bank accounts, as the evidence demonstrates repeatedly.

(2) The doctrine of judicial immunity does not block federal pre-emptive criminal liability of any judge.

(3) Opposing Counsel Leo Gagione resorts to outright lies and deceit in his opening statement, when he states that "no facts have been alleged to establish a basis for a finding of contempt against Justice Ramseur."

(4) We have already indicated in prior pleadings to this court that a separate appellate court 1st dept judge has already determined, after full 6 month trial, that Debtor made no such "libelous statements" against Douglas Senderoff, or anyone else that they allege, on any "array of websites."

(5) The responsible counsel, independently paid by Debtor, were Robert Androsiglio, Luis Trujillo, and Anthony Motta, while Debtor did zero to no work on said case and matter, nor was Debtor advised of any such potential or possible default by these lawyers, as documented by billable hour statements and invoices paid by Debtor to these lawyers, as well as other records of daily business.

(6) Unfortunately as the record indicates, even though we personally liked Chapter 7 trustee Salvatore Lamonica (we don't like Chapter 7 Trustees



Gregory Zipes and Marianne O'Toole for previously described reasons and official misconduct complaints) no one from any of the "estates" either heeded our instructions, effectively notified the violators, or took any legal or equitable action to prevent default judgments, illegal property liens, and other *prima facie* violations of the 2 automatic bankruptcy stays, such that Debtor was forced to include one or more of these trustees in a contempt motion to explain themselves to this court.

(7) In contrast to opposing counsel's comments, once Debtor's and his family's current personal property was subject to illegal lien, or seizure, or default judgment, then Debtor does indeed have "standing," which was the case here.

(8) Unfortunately Chapter 7 Trustees Salvatore Lamonica, Gregory Zipes, Marianne O'Toole routinely ignored Debtor's pleas to stop stay violators, resulting in scores of default judgments against Debtor and his family's current property and bank accounts.

(9) Lately, scores of judges in New York State as well as the rest of the USA have been arrested for much less - Judicial Immunity is not absolute.

(10) There can be no "good faith oversight" to explain away Judge Dakota Ramseur's criminal behavior as her decision is now a matter of public record, enormously prejudicial (cited by misinformed, misguided federal judges and media), and denied Debtor (and this court) due process as this court ordered Senderoff and his lawyers to prepare and file a brand new formal Amended Complaint, as well as ordered Debtor to prepare and file a formal Answer (with Counterclaims), thus sealing the federal Adversary Proceeding (voluntarily brought by Senderoff and his lawyers) joinder of the parties and pleadings within the jurisdiction and purview of the SDNY federal bankruptcy court, another fact that State Court Judge Dakota Ramseur ignored and flouted, compounding her wilful violations of the stay, as well as wilful ignorance of the jurisdictional orders of this federal bankruptcy court.

(11) When opposing counsel NYS Assistant Attorney General Leo Gagione is constrained to use admission of liability word choices to describe his client Judge Dakota Ramseur, such as "oversight," "mistake," "overlook," and "realized," then there is a problem with that judge.

Respectfully submitted,



---

Rahul D. Manchanda, Esq.  
270 Victory Boulevard  
New Rochelle, NY 10804

To: NYS Assistant Attorney General Leo Gagione, 28 Liberty Street, 17<sup>th</sup> Floor, New York NY 10005 via email, US Mail, and/or facsimile.





August 13, 2024

FILED  
U.S. BANKRUPTCY COURT  
2024 AUG 13 P 12:33  
S.D. OF N.Y.

**VIA HAND DELIVERY**

Judge Sean Lane  
Southern District of New York - Bankruptcy Court  
300 Quarropas Street  
White Plains, New York 10601

**RE: Case Index No 23-22095 Adv. Proc. No. 24-7008 Debtor Letter  
In Further Support of Contempt Against Judge Dakota Ramseur**

Dear Hon Judge Lane:

Despite the obvious panic attack of the above referenced New York County Supreme Court Judge Dakota Ramseur (and her law clerks) with their ad hoc, hastily drafted, and much publicly plastered "Notice of Vacated Withdrawal" all over the ECF public court docketing system, filed no less than 3 separate times, she also re-posted her original "decision" in equal measure on those same sites.

There is no saving or remedying what this woman has done, even though she was told no less than a 100 times verbally, in writing, in court, and in pleadings that a BANKRUPTCY STAY WAS IN PLACE, but instead she decided to put her misguided, legally fallacious, unfair, un-litigated by Debtor's lawyers, un-responded to (by Debtor or his lawyers) "Order and Judgment" out there, which it is now impossible to retract, withdraw, or "unsee" to the general public, and especially to Douglas Senderoff and his ravenous and unethical lawyers.

To that end we implore and demand that this court hold Judge Dakota Ramseur in the most ultimate form of contempt that this court could possibly give, as well as any and all legal and



equitable remedies given to undersigned Debtor in order to make him whole again (next to impossible at this point).

Respectfully submitted,



---

Rahul D. Manchanda, Esq.  
270 Victory Boulevard  
New Rochelle, NY 10804

FILED: NEW YORK COUNTY CLERK 08/12/2024 12:48 PM

INDEX NO. 15253872019

NYSCEF DOC. NO. 196

RECEIVED NYSCEF: 08/12/2024

# SUPREME COURT OF THE STATE OF NEW YORK NEW YORK COUNTY

PRESENT: HON. DAKOTA D. RAMSEUR

PART

308

Justice

DOUGLAS SENDEROFF

Plaintiff

INDEX NO. 15253872019MOTION DATE 08/02/2022MOTION SEQ. NO. 008

- v -

RAHUL MANCHANDA,

Defendant

DECISION + ORDER ON  
MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 008) 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 192, 193

were read on this motion to/for

JUDGMENT - DEFAULT

Upon the foregoing documents, and due to the pending stay, it is hereby:

ORDERED that the Decision and Order for motion seq 6 (NYSCEF documents #192 and #193) are vacated, and it is further

ORDERED that the Clerk of the Court shall ensure that the Decision and Order of motion seq 6 is vacated.

8/12/2024

DATE

CHECK ONE:

APPLICATION:

CHECK IF APPROPRIATE:

☐  
☐  
☐  
☐

CASE DISPOSED

GRANTED

SETTLE ORDER

INCLUDES TRANSFER/REASSIGN

☐

DENIED

☒  
☐  
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☐

NON-FINAL DISPOSITION

GRANTED IN PART

SUSPENSORY ORDER

FIDUCIARY APPOINTMENT

☒

OTHER

☐

REFERENCE

  
 DAKOTA D. RAMSEUR, J.S.C.

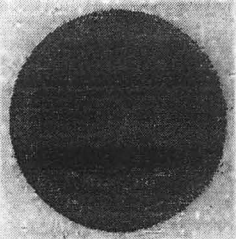


**Subject:** NYSCEF Alert: New York - Torts - Other - Upload of Order/Judgment 152538/2019 (Douglas Senderoff MD v. Rahul Manchanda Esq.)

**From:** efile@nycourts.gov

**Date:** 8/12/2024, 11:37 AM

**To:** trujillo@thetrujillofirm.com, docketing@ilawco.com, randrosiglio@rallplaw.com, amotta726@mail.com, rob@monarchlawgroup.com, david@ilawco.com, amotta@anthonymotta.com, INFO@MANCHANDA-LAW.COM



## New York County Supreme Court UPLOAD OF ORDER/JUDGMENT

### **Document: 196 - DECISION + ORDER ON MOTION**

The document referred to in this notification is an order or judgment that has been uploaded to NYSCEF but has not been entered. You may access the order/judgment by clicking the document type link (above).

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NYSCEF will send out an additional e-mail notification upon entry in the office of the County Clerk.

### **Case Information**

---

Index #: **152538/2019**

Caption: **Douglas Senderoff MD v. Rahul Manchanda Esq.**

eFiling Status: **Full Participation Recorded**

Assigned Case Judge: **Dakota D. Ramseur**

### **E-mail Service Notifications Sent**

Name	Email Address
LUIS TRUJILLO Jr.	trujillo@thetrujillofirm.com
ROBERT ANDROSIGLIO	randrosiglio@rallplaw.com
Anthony Motta	amotta@anthonymotta.com



DAVID LIN

david@ilawco.com

RAHUL MANCHANDA

INFO@MANCHANDA-LAW.COM

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**Hon. Milton A. Tingling, New York County Clerk and Clerk of the Supreme Court**

**Phone:** 646-386-5956

**Website:** [http://www.nycourts.gov/courts/1jd/supctmanh/county\\_clerk\\_operations.shtml](http://www.nycourts.gov/courts/1jd/supctmanh/county_clerk_operations.shtml)

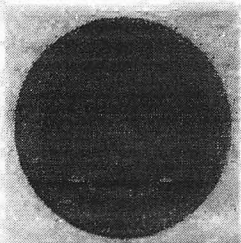


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**From:** efile@nycourts.gov

**Date:** 8/12/2024, 12:48 PM

**To:** trujillo@thetrujillofirm.com, docketing@ilawco.com, randrosiglio@rallplaw.com, amotta726@mail.com, rob@monarchlawgroup.com, david@ilawco.com, amotta@anthonymotta.com, INFO@MANCHANDA-LAW.COM



**New York County Supreme Court  
NOTIFICATION OF ENTRY OF ORDER/  
JUDGMENT  
08/12/2024**

**Document: 196 - DECISION + ORDER ON MOTION**

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**Case Information**

Index #: 152538/2019

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eFiling Status: **Full Participation Recorded**

Assigned Case Judge: **Dakota D. Ramseur**

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Anthony Motta	amotta@anthonymotta.com
DAVID LIN	david@ilawco.com
RAHUL MANCHANDA	INFO@MANCHANDA-LAW.COM



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**Website:** [http://www.nycourts.gov/courts/1jd/supctmanh/county\\_clerk\\_operations.shtml](http://www.nycourts.gov/courts/1jd/supctmanh/county_clerk_operations.shtml)

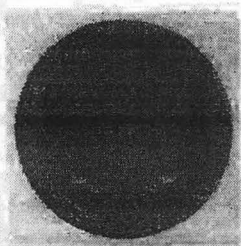


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**New York County Supreme Court  
NOTIFICATION OF ENTRY OF ORDER/  
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Index #: **152538/2019**

Caption: **Douglas Senderoff MD v. Rahul Manchanda Esq.**

eFiling Status: **Full Participation Recorded**

Assigned Case Judge: **Dakota D. Ramseur**

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DAVID LIN	david@ilawco.com
RAHUL MANCHANDA	INFO@MANCHANDA-LAW.COM



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**CERTIFICATE OF SERVICE**

On August 13, 2024, I, Rahul Manchanda, served Debtor Letter In Further Support of Contempt Against Judge Dakota Ramseur and any attached pages to New York County Supreme Court Judge Dakota Ramseur via ECF, facsimile, electronic and U.S. Mail.



---

By: Rahul Manchanda, Esq.  
Manchanda Law Office And Associates PLLC  
270 Victory Boulevard  
New Rochelle, New York 10804  
Tel: (212) 968-8600  
Fax: (212) 968-8601

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

FILED  
S. BANKRUPTCY COURT

2024-6 P 1:00

-----X  
)  
)  
)  
**IN THE MATTER OF** )

**INDEX NO. 23-22095**

**S.D. OF N.Y.**

**RAHUL MANCHANDA** )  
)  
)  
)

**NOTICE OF MOTION OF  
CONTEMPT OF COURT  
AGAINST NYS SUPREME COURT  
JUDGE DAKOTA RAMSEUR**


-----X  
**PLEASE TAKE NOTICE** that upon the annexed affirmation of Rahul Manchanda duly affirmed the 6th day of August 2024, the annexed Memorandum of Law and Exhibits, and all the Pleadings and Proceedings heretofore had herein, the Undersigned will move this Honorable Court at US SDNY Bankruptcy Court, 300 Quarropas Street White Plains, NY 10601-4150 on August 15, 2024 at 10 AM or at a mutually agreeable time and place for an order holding New York County Supreme Court Judge Dakota Ramseur in Civil and Criminal Contempt of Court pursuant to U.S. Federal Bankruptcy Law for willful violations of the Stay pursuant to 111 U.S.C. § 362, and the following:

1. On the grounds that as per the attached Judge Dakota Ramseur, even though she knows that a Stay exists, and that SDNY Federal Bankruptcy Judge Sean Lane has declared this Senderoff case now in an Adversary Proceeding brought by his lawyers, into a "sine die" status, but anyway Dakota Ramseur still continues to willfully fail to comply with this Honorable Bankruptcy Court through the Automatic Stay pursuant to 111 U.S.C. § 362 and Protection of this Honorable Court by continuing to engage in proceeding in her lower court case, issuing orders and judgments when no one is present or litigating, all the while threatening, harassing, intimidating, litigating, ordering, and otherwise violating federal the bankruptcy protection and the stay and the orders of this federal court;
- 1b. And even though Judge Dakota Ramseur is well aware that New York County Supreme Court, Appellate Division, First Department Judge Rosalyn Richter has declared in writing several times in formal written opinions and rulings, after conducting several hearings, trials, and exhibits, that "there is no evidence that Debtor has defamed Douglas Senderoff on the internet," Junior Judge Dakota Ramseur could care less, and decided to declare Debtor liability anyway, even though all of the evidence and proof to date, provided in her court over 5 years, demonstrates otherwise;
2. On the ground that even though Judge Dakota Ramseur repeatedly received

written and electronic Notice of Chapter 7 Bankruptcy Filing on February 5, 2023, she continues to engage in threatening, harassing, intimidating, litigating, ordering, and otherwise violating federal bankruptcy protection and the stay;

3. On the grounds that nothing less than sanctions, penalties, fines, and incarceration will persuade Judge Dakota Ramseur to comply with this Honorable Court's Automatic Stay and Protection from continuing to engage in threatening, harassing, intimidating, litigating, ordering, and otherwise violating federal bankruptcy protection and the stay;
4. On the grounds that if Judge Dakota Ramseur is not forced to comply with this Honorable Court's Automatic Stay and Protection from continuing to engage in threatening, harassing, intimidating, litigating, ordering, and otherwise violating federal bankruptcy protection and the stay, then she will have reduced federal bankruptcy protection to a shambles;
5. On the grounds that Judge Dakota Ramseur's willful and intentional noncompliance with the Automatic Stay and Protection prohibiting her continuing to engage in threatening, harassing, intimidating, litigating, ordering, and otherwise violating federal bankruptcy protection and the stay, and otherwise aggressive disregard for federal bankruptcy protection of this Honorable Court she will have defeated, impaired, impeded and prejudiced Debtor's rights;
6. And for such other further relief as this Honorable Court deems just and proper, including contempt, costs, penalties, fines, incarceration, and sanctions against Judge Dakota Ramseur for willful violations of U.S. Federal Bankruptcy Law, willful violations of the Stay pursuant to 11 U.S.C. § 362, and in light of the information contained herein.

**Dated:** August 6, 2024  
New York, NY

  
\_\_\_\_\_  
Rahul Manchanda, Esq.  
Manchanda Law Office PLLC  
270 Victory Boulevard  
New Rochelle, New York 10804  
Tel: (212) 968-8600  
Fax: (212) 968-8601

To: New York County Supreme Court Judge Dakota Ramseur, 60 Centre Street,  
New York NY 10007

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X	)	
	)	
	)	
<b>IN THE MATTER OF</b>	)	<b>INDEX NO. 23-22095</b>
	)	
	)	
<b>RAHUL MANCHANDA</b>	)	<b>AFFIRMATION IN SUPPORT OF</b>
	)	<b>MOTION FOR CONTEMPT</b>
	)	
-----X	)	

**STATE OF NEW YORK                    }**  
**: ss**  
**COUNTY OF WESTCHESTER            }**

**RAHUL MANCHANDA**, an Attorney duly licensed to practice law in the State of New York, affirms the following to be true under penalty of perjury:

1. I make this Affirmation in support of this Motion for Contempt of Court against New York County Supreme Court Judge Dakota Ramseur in all respects based upon my personal knowledge of the facts and experiences I relate herein and based upon information and belief, based on the contents of the file.
  
2. On the grounds that as per the attached Judge Dakota Ramseur, even though she knows that a Stay exists, and that SDNY Federal Bankruptcy Judge Sean Lane has declared this Senderoff case now in an Adversary Proceeding brought by his lawyers, into a "sine die" status, but anyway Dakota Ramseur still continues to willfully fail to comply with this Honorable Bankruptcy Court through the Automatic Stay pursuant to 11 U.S.C. § 362 and Protection of this Honorable Court by continuing to engage in proceeding in her lower court case, issuing orders and judgments when no one is present or litigating, all the while threatening, harassing, intimidating, litigating, ordering, and otherwise violating federal the bankruptcy protection and the stay and the orders of this federal court;
  
- 2b. And even though Judge Dakota Ramseur is well aware that New York County Supreme Court, Appellate Division, First Department Judge Rosalyn Richter has declared in writing several times in formal written opinions and rulings, after conducting several hearings, trials, and exhibits, that "there is no evidence that Debtor has defamed Douglas Senderoff on the internet," Junior Judge Dakota Ramseur could care less, and decided to declare Debtor liability anyway, even though all of the evidence and proof to date, provided

in her court over 5 years, demonstrates otherwise;

3. On the ground that even though Judge Dakota Ramseur repeatedly received written and electronic Notice of Chapter 7 Bankruptcy Filing on February 5, 2023, she continues to engage in threatening, harassing, intimidating, litigating, ordering, and otherwise violating federal bankruptcy protection and the stay;
4. On the grounds that nothing less than sanctions, penalties, fines, and incarceration will persuade Judge Dakota Ramseur to comply with this Honorable Court's Automatic Stay and Protection from continuing to engage in threatening, harassing, intimidating, litigating, ordering, and otherwise violating federal bankruptcy protection and the stay;
5. On the grounds that if Judge Dakota Ramseur is not forced to comply with this Honorable Court's Automatic Stay and Protection from continuing to engage in threatening, harassing, intimidating, litigating, ordering, and otherwise violating federal bankruptcy protection and the stay, then she will have reduced federal bankruptcy protection to a shambles;
6. On the grounds that Judge Dakota Ramseur's willful and intentional noncompliance with the Automatic Stay and Protection prohibiting her continuing to engage in threatening, harassing, intimidating, litigating, ordering, and otherwise violating federal bankruptcy protection and the stay, and otherwise aggressive disregard for federal bankruptcy protection of this Honorable Court she will have defeated, impaired, impeded and prejudiced Debtor's rights;
7. And for such other further relief as this Honorable Court deems just and proper, including contempt, costs, penalties, fines, incarceration, and sanctions against Judge Dakota Ramseur for willful violations of U.S. Federal Bankruptcy Law, willful violations of the Stay pursuant to 11 U.S.C. § 362, and in light of the information contained herein.;

**WHEREFORE**, it is respectfully requested that this Motion be granted in all respects together with such other and further relief as this Honorable Court deems to be just and proper, including contempt, costs, penalties, fines, incarceration, and sanctions against Defendants for violation of U.S. Federal Bankruptcy Law, willful violations of the Stay pursuant to 11 U.S.C. § 362, and in light of the information contained herein.

**Dated:** August 6, 2024  
New York, NY



---

Rahul Manchanda



**CERTIFICATE OF SERVICE**

On August 6, 2024, I, Rahul Manchanda, served a copy of this Motion for Contempt of Court and any attached pages to New York County Supreme Court Judge Dakota Ramseur, 60 Centre Street, New York NY 10007 via U.S. Mail.



---

By: Rahul Manchanda, Esq.  
Manchanda Law Office PLLC  
270 Victory Boulevard  
New Rochelle, New York 10804  
Tel: (212) 968-8600  
Fax: (212) 968-8601

**Subject:** Re: NYSCEF Alert: New York - Torts - Other - Upload of Order/Judgment 152538/2019  
(Douglas Senderoff MD v. Rahul Manchanda Esq.)

**From:** Manchanda Law Office PLLC <info@manchanda-law.com>

**Date:** 8/5/2024, 5:08 PM

**To:** Greg Zipes <Greg.Zipes@usdoj.gov>, Dana Kumar <Dana.Walsh.Kumar@usdoj.gov>, Salvatore LaMonica <sl@lhmlawfirm.com>, Sylwia Manchanda <Sylwia.Manchanda@manchanda-law.com>, USTP.Region02@usdoj.gov, ustrustee.program@usdoj.gov, cjc@cjc.ny.gov, 15182991757@efaxsend.com

**CC:** Trujillo@thetrujillofirm.com, Attorney Robert Androsiglio <randrosiglio@rallplaw.com>, amotta@anthonymotta.com, claims@guard.com, 15708250611@efaxsend.com

NYS Commission on Judicial Conduct:

SDNY Federal Bankruptcy Judge Sean Lane has this case in an adversarial proceeding but NYS Supreme Court Judge Dakota Ramseur saw fit to wrest control from the federal court, and issue a decision attached herein, thus rewriting the US Constitution.

Please investigate and advise.

---

Kind regards,

--

Rahul D. Manchanda, Esq.  
Manchanda Law Office And Associates PLLC

Manhattan NYC Office  
250 Park Avenue, 7th Floor  
New York, NY 10177

Westchester NY Office  
173 Huguenot Street, Suite 200  
New Rochelle, NY 10801

Tel: (212) 968-8600  
Mob: (646) 645-0993  
Fax: (212) 968-8601  
Toll Free 24 Hour Hotline: (855) 207-7660  
e-mail: rdm@manchanda-law.com  
web: <https://manchanda-law.com/attorney-profiles/>

Ranked amongst Top Immigration Attorneys in the United States by Newsweek Magazine in 2012 and Top Attorneys Nationwide in 2013.

Martindale Hubbell Client Champion 2017 Silver Award Winner, 2020 Gold Award Winner, 2020 Platinum Award Winner.

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CLIENT TESTIMONIALS: <https://manchanda-law.com/testimonials/>

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On Aug 5, 2024, at 4:17 PM, Manchanda Law Office PLLC <[info@manchanda-law.com](mailto:info@manchanda-law.com)> wrote:

Attorneys Luis Trujillo, Robert Androsiglio, Anthony Motta:

Long time no talk.

Hopefully everything's going well on your end.

As per the below and attached I suggest that you team up and get me out of this shit show that you created, or I'll have to seek indemnification/impleader from each of you, this week.

Please put your heads together, advise and assist.



If we don't hear from you we'll proceed legally and equitably.

Thanks,

Kind regards,

--

Rahul D. Manchanda, Esq.  
Manchanda Law Office And Associates PLLC

Manhattan NYC Office  
250 Park Avenue, 7th Floor  
New York, NY 10177

Westchester NY Office  
173 Huguenot Street, Suite 200  
New Rochelle, NY 10801

Tel: (212) 968-8600  
Mob: (646) 645-0993  
Fax: (212) 968-8601  
Toll Free 24 Hour Hotline: (855) 207-7660  
e-mail: [rdm@manchanda-law.com](mailto:rdm@manchanda-law.com)  
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Make An Online Legal Fee Payment via [https://pay.paysley.com/pos\\_link/deFpBu7Sv5oqk1gZhB9cQi59Yj](https://pay.paysley.com/pos_link/deFpBu7Sv5oqk1gZhB9cQi59Yj), wire transfer, check, cash, Google Pay (info@manchanda-law.com), ApplePay (6466450993)

On Aug 5, 2024, at 4:01 PM, Manchanda Law Office PLLC <info@manchanda-law.com> wrote:

Chapter 7 Trustee:

Please prepare and file a Notice of Motion for Contempt against this Judge Dakota Ramseur and Douglas Senderoff and his lawyers as per the below for continuing this case even though they removed it to the SDNY Bankruptcy Court in an Adversary Proceeding, and we did nothing to litigate it since due to the Stay.

Kind regards,

--

Rahul D. Manchanda, Esq.  
Manchanda Law Office And Associates PLLC

Manhattan NYC Office  
250 Park Avenue, 7th Floor  
New York, NY 10177

Westchester NY Office

173 Huguenot Street, Suite 200  
New Rochelle, NY 10801

Tel: (212) 968-8600  
Mob: (646) 645-0993  
Fax: (212) 968-8601  
Toll Free 24 Hour Hotline: (855) 207-7660  
e-mail: [rdm@manchanda-law.com](mailto:rdm@manchanda-law.com)  
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Begin forwarded message:

**From:** Manchanda Law Office PLLC <info@manchanda-law.com>  
**Date:** August 5, 2024 at 3:54:26 PM EDT  
**To:** Salvatore LaMonica <sl@lhmlawfirm.com>, Law Office Manager Sylwia Manchanda <sylwia.manchanda@manchanda-law.com>, claims@guard.com, 15708250611@efaxsend.com  
**Subject:** Fwd: NYSCEF Alert: New York - Torts - Other - Upload of Order/Judgment 152538/2019 (Douglas Senderoff MD v. Rahul Manchanda Esq.)

Salvatore Lamonica:

FYI WTF - also Rosalyn Richter declared there was no proof of me defaming anyone online.

Clearly there is a potential malpractice claim against my former lawyers Robert Androsiglio, Anthony Motta, Luis Trujillo.

Also there should be a stay since SDNY Judge Sean Lane declared this sine die in bankruptcy court case 23-22095.

Please advise and assist.

cc: AmGuard Insurance

Kind regards,

--

Rahul D. Manchanda, Esq.  
Manchanda Law Office And Associates PLLC

Manhattan NYC Office  
250 Park Avenue, 7th Floor  
New York, NY 10177

Westchester NY Office  
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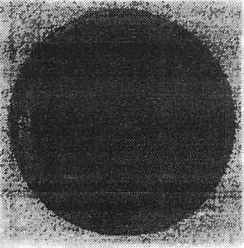
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# New York County Supreme Court

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**Document: 192 - DECISION + ORDER ON MOTION**

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### Case Information

Index #: 152538/2019

Caption: Douglas Senderoff MD v. Rahul Manchanda Esq.

eFiling Status: Full Participation Recorded

Assigned Case Judge: Dakota D. Ramseur

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**Attachments:**

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152538_2019_Douglas_Senderoff_MD_v_Rahul_Manchanda_Esq__DECISION__OR DER_ON_192.pdf	4.3 MB
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152538_2019_Douglas_Senderoff_MD_v_Rahul_Manchanda_Esq__DECISION__OR DER_ON_192.pdf	4.3 MB
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152538_2019_Douglas_Senderoff_MD_v_Rahul_Manchanda_Esq__DECISION__OR DER_ON_192.pdf	4.3 MB
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**SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY**

<p><b>PRESENT:    <u>HON. DAKOTA D. RAMSEUR</u></b></p> <p style="text-align: center;"><i>Justice</i></p> <p>_____X</p> <p><b>DOUGLAS SENDEROFF</b></p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">- v -</p> <p><b>RAHUL MANCHANDA,</b></p> <p style="text-align: center;">Defendant.</p>	<p><b>PART</b> <span style="float: right;"><b>34M</b></span></p> <p><b>INDEX NO.</b> <u>152538/2019</u></p> <p><b>MOTION DATE</b> <u>08/08/2022</u></p> <p><b>MOTION SEQ. NO.</b> <u>006</u></p> <p style="text-align: center;"><b>DECISION + ORDER ON MOTION</b></p>
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The following e-filed documents, listed by NYSCEF document number (Motion 006) 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183

were read on this motion to/for

JUDGMENT - DEFAULT

In March 2019, plaintiff Douglas Senderoff MD commenced this action against defendant Rahul Manchanda, Esq., seeking damages for defamation. Plaintiff now moves pursuant to CPLR 3025 (d) and 3215 (a) for a default judgment against defendant for failing to answer his amended complaint with the time allotted by the CPLR. Defendant cross-moves pursuant to CPLR 3215 (c) to dismiss the complaint. The motions are opposed. For the following reasons, plaintiff's motion is granted, and defendant's cross-motion is denied.

**FACTUAL BACKGROUND**

Plaintiff commenced this action by filing the summons and verified complaint on March 8, 2019, seeking damages and injunctive relief arising from the alleged defamatory statements made by defendant. From 2018 through 2020, defendant allegedly authored defamatory and false statements concerning plaintiff on various "shaming" websites and republished said statements in publicly filed documents in what plaintiff considers sham court proceedings. The defamatory statements include: that plaintiff is under "current and active federal/state criminal investigation;" is "looking at massive prison time/loss of medical license," and was visited by the DEA because of defendant's "tip" claiming that plaintiff "traded drugs for sexual favors," (NYSCEF doc. no. 161 at ¶¶ 4-7, plaintiff aff. of merit.)

In December 2019, in motion sequence 003, defendant moved for partial summary dismissal of the complaint while plaintiff cross-moved for leave to file an amended complaint in October 2020. By Decision and Order dated April 29, 2021 (NYSCEF doc. no. 112), the Court denied defendant's motion for partial summary judgment and granted plaintiff's motion to file an amended complaint (hereinafter, the "April 2021 Order"). For relevant purposes here, the April 2021 Order stated that "it is further ORDERED that the amended complaint, in the form annexed to the motion papers, shall be deemed served upon service of a copy of this order with notice of

entry upon defendant.” Plaintiff served a copy of the April 29, 2021 Order with notice of entry upon defendant’s counsel via NYSCEF on the same day. Defendant did not answer the amended complaint or otherwise move within the time required by the CPLR.

On March 17, 2020 (before the Court granted the motion for leave to file an amended complaint), plaintiff moved to strike defendant’s first answer, or, in the alternative to compel discovery, over defendant’s alleged noncompliance with discovery obligations (motion sequence no. 004). By Decision and Order dated March 1, 2021 (NYSCEF doc. no. 99), the Court granted plaintiff’s motion to strike and/or to compel, to the extent that defendant was ordered to comply with discovery by a date certain.

On May 19, 2021, defendant’s counsel moved by Order to Show Cause to withdraw on May 21, 2021. The Court signed the OSC on May 24, 2021, and granted counsel’s request to be relieved on June 11, 2021 (motion sequence 005, the “June 2021 OSC”). In doing so, the court directed defendant to appoint substitute counsel or proceed pro se within 30 days and ordered “that no further proceedings may be taken against the defendant without leave of this court for a period of 40 days after service on the former client of the aforesaid notice to appoint a substitute attorney.” (NYSCEF doc. no. 143, NYSCEF doc. no. 144.)

On July 6, 2021, before the 30-day deadline to appoint substitute counsel expired, defendant, now *pro se*, filed a notice of removal of this action to the United States District Court for the Southern District of New York. By Order dated July 28, 2021, Judge Alison J. Nathan held that defendant failed to strictly comply with 28 U.S.C. § 1446 (a) and that his notice of removal was untimely. (NYSCEF doc. no. 149, Federal Court Order.) Consequently, she remanded this action back to this Court pursuant to 28 U.S.C. § 1447(c).

## DISCUSSION

### *Cross-Motion for Dismissal*

Defendant contends that the Court must dismiss the action under CPLR 3215 (c) based upon plaintiff’s failure to timely move for a default judgment within a year. The Court finds this argument unpersuasive. CPLR 3215 (c) provides that “if the plaintiff fails to take proceedings for the entry of judgment within one year after a default, the court shall not enter judgment but shall dismiss the complaint as abandoned, without costs, upon its own initiative or on motion unless sufficient cause is shown why the complaint should not be dismissed.” Here, while plaintiff acknowledges he filed the motion on June 2, 2022—or a year and one month after serving the Amended Complaint on April 29, 2021—the action was stayed for 40 days pursuant to this Court’s June 2021 OSC granting defendant’s counsel’s motion to withdraw and another 21 days due to defendant’s notice of removal. As such, since plaintiff’s time to move for a default judgment was tolled approximately two months, his motion is still timely.

### *Plaintiff’s Motion for Default Judgment*

“In order to successfully oppose a [motion for a] default judgment, a defendant must demonstrate a justifiable excuse for his default and a meritorious defense.” (*New Media Holding*



*Co. LLC v Kagalovsky*, 97 AD3d 463, 465 [1st Dept 2012].) The determination as to whether the opposing party has established a reasonable excuse rests within the sound discretion of the motion court. (*Kasumov v City of New York*, 78 AD3d 560, 560 [1st Dept 2010].) Relevant factors include the extent of delay, whether there has been prejudice to the opposing party, whether the default was willful, and the strong public policy favoring resolving cases on the merits. (*Kagalovsky*, 97 AD3d at 465.) Here, plaintiff demonstrates service of the amended complaint upon defendant and that defendant failed to answer the compliant or otherwise move. Plaintiff has also established the merits of his claim by submitting plaintiff's affidavit of merit describing the nature of his claims against defendant.

In opposition, to establish a reasonable excuse, defendant cites his previous counsel's failure to answer the amended complaint or otherwise advise him of the need to file an answer. In defendant's words, this "was because his relationship with his attorney had deteriorated...due to [counsel's] excessive drinking, failure to communicate, failure to meet deadlines..." (NYSCEF doc. no. 179 at 4, def. memo in opp.) As such, "[defendant] was not aware that a response to the Amended complaint was required." (NYSCEF doc. no. 165 at ¶ 12, Manchanda affidavit.) While law office failure may constitute a reasonable excuse, "claims of law office failure which are 'conclusory and unsubstantiated' cannot excuse default." (*Galaxy Gen Contr. Corp. v 2201 7th Ave Realty LLC*, 95 AD3d 789, 789 [1st Dept 2012].) Mere neglect or bare allegations of incompetence on the part of prior counsel are insufficient to establish a reasonable excuse. (*Ferraro Foods Inc., v Guyon Inc.*, 165 AD3d 628, 630-631 [2d Dept 2018] [finding that corporate defendants' unsupported affidavit that prior retained counsel had not informed him of the need to answer the complaint was "a bare allegation" "insufficient to establish a reasonable excuse"].) Furthermore, a law office's failure should be rejected as a reasonable excuse where the conduct is part of a pattern of "persistent and willful inaction," "dilatatory behavior," or "willful default and neglect." (*Imovegreen, LLC v Frantic, LLC*, 139 AD3d 539, 540 [1st Dept 2016].)

Defendant's position that his previous counsel was solely responsible for his default strains credulity. Plaintiff has demonstrated that defendant, a New York licensed attorney, regularly intervened in his case and filed documents using his own attorney credentials.<sup>1</sup> For example, defendant—on his own behalf—twice moved to dismiss under CPLR 3211 (NYSCEF doc. nos. 2 and 28), filed two appeals with the First Department (NYSCEF doc. nos. 122 and 133), removed the case to federal court, then appealed the remand to the Second Circuit (NYSCEF doc. no. 147 and 151) and even filed an appeal with the Supreme Court (NYSCEF doc. no. 166). With respect his first appeal to the First Department, on April 30, 2021, defendant expressed dissatisfaction with the Court's April 2021 Decision to grant plaintiff leave to amend his complaint and demanded that his former attorney appeal the decision (NYSCEF doc. no. 178, at 9-11, emails to First Department Attorney Grievance Committee). In these emails, his former attorney responded, "[t]here is no way we can prevail on appeal... we will not be appealing the decision." (*Id.* at 4.) Days later defendant filed the appeal himself. (NYSCEF doc. no. 122, notice

<sup>1</sup> Southern District Court Judge Alison Nathan, in her order remanding this case, wrote that "defendant is not a stranger to this Court. Because defendant filed three actions in this court that were dismissed *sua sponte*, by order dated April 16, 2015, the Honorable Vernon S. Broderick of this court warned [defendant, as "plaintiff-appellant"] that the continued filing of meritless lawsuits will result in an order under 28 USC § 1651, barring Plaintiff from filing any new action in this Court without prior permission."

of appeal.) The emails also make clear that defendant was aware of the need to file an amended answer: he directed his counsel to “[a]ppeal, amend our answer to include counterclaims (trespass, malicious prosecution, RICO . . . or cross-claim for full summary judgment” (NYSCEF doc. no. 178 at 9.) In light of defendant’s active participation in litigating this case, including overriding decisions of former counsel, it is simply not credible that defendant was unaware of the need to answer the amended complaint after the stay lifted. Accordingly, defendant’s conclusory and uncorroborated claim of law office failure cannot amount to a reasonable excuse (*Matter of Castellotti v Castellotti*, 165 AD3d 926, 928 [2d Dept 2018].)

Accordingly, it is hereby


ORDERED that plaintiff Douglas Senderoff’s motion pursuant to CPLR 3215 for a default judgment against defendant is granted, as to liability only, and that an inquest shall be held to determine damages; and it is further

ORDERED that defendant’s cross motion for dismissal pursuant to CPLR 3215 (c) is denied; and it is

ORDERED that plaintiff shall file a note of issue by August 15, 2024; and it is further

ORDERED that plaintiff shall serve a copy of this order upon defendant, with notice of entry, within ten (10) days of entry.

This constitutes the decision and order of the Court.

<u>7/29/2024</u>			
DATE		DAKOTA D. RAMSEY, J.S.C.	
CHECK ONE:	<input type="checkbox"/> CASE DISPOSED	<input checked="" type="checkbox"/> NON-FINAL DISPOSITION	
	<input type="checkbox"/> GRANTED <input type="checkbox"/> DENIED	<input type="checkbox"/> GRANTED IN PART	<input checked="" type="checkbox"/> OTHER
APPLICATION:	<input type="checkbox"/> SETTLE ORDER	<input type="checkbox"/> SUBMIT ORDER	
CHECK IF APPROPRIATE:	<input type="checkbox"/> INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/> FIDUCIARY APPOINTMENT	<input type="checkbox"/> REFERENCE